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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,467	05/04/2001	David Landa		8300

7590 03/12/2003

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EXAMINER

KEEHAN, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 03/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/849,467

Applicant(s)

LANDA ET AL.

Examiner

Christopher M. Keehan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11, drawn to a method of manufacturing an adhesive bonded sintered plate, classified in class 156, subclass 281.
- II. Claims 12-23, drawn to an adhesive bonded sintered plate, classified in class 428, subclass 418. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process (MPEP § 806.05(f)), such as a process not requiring steps of cleaning and roughening a surface of the metal core and/or a process using a thermoplastic adhesive instead of a thermosetting adhesive.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with examiner Melvin Mayes and applicant Stephen Feldman on October 7, 2002, a provisional election was made with traverse to

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prosecute the invention of group II, claims 12-23. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-11 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-18, 20, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayward (5,281,481) in view of Fukatani (4,537,299). Hayward discloses an adhesive bonded article comprising a thermosetting adhesive applied to each side of the core layer, and a friction element bonded to the core layer by the adhesive layers (Abstract, Figures I and 2A, and col.5, lines 14-42). Hayward does not appear to specifically disclose sintered layers. Fukatani discloses sintered layers of a friction element (col.4, lines 10-13), a core layer (col.1, lines 54-57), and an adhesive

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that can be placed between the core layer and the sintered layers, respectively (col.2, lines 58-61). Although Fukatani does not appear to specifically disclose a metal core layer, Fukatani does disclose a driven plate that can be riveted, for use in a friction clutch disk (col. 1, lines 54-61 and lines 6-23). It is known in the art to use metal substrates in friction clutch situations due to the temperature exposure and forces being exerted thereon. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added a sintered friction element as taught by Fukatani to the structure of Hayward because Fukatani teaches that sintered layers in a friction element produces more durable facings resulting in a more efficient product.

Regarding claims 13 and 14, Hayward discloses a thermosetting phenolic-epoxy adhesive (col.3, lines 11-20).

Regarding claims 15-18, Hayward discloses a bonding temperature, bonding pressure, and bonding time, respectively, that are included in the instantly claimed ranges (col.5, lines 13-20).

Regarding claim 20, the same reasoning as set forth above for claims 12 and 15-18 also applies to claim 20, as the claimed subject matter is essentially the same.

Regarding claims 22 and 23, the same reasoning as set forth above for claims 13 and 14 also applies to claims 22 and 23, as the claimed subject matter is essentially the same.

Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayward (5,281,481) in view of Fukatani (4,537,299) as applied to claim 12 above,

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and further in view of Watremez (5,629,101). The Hayward combination is as set forth above and incorporated herein. The Hayward combination does not appear to specifically disclose an aluminum substrate. Watremez discloses a friction material with a base metal and the use of aluminum in certain friction applying situations, in addition to reducing weight (col.4, lines 38-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used aluminum as the metal core as taught by Watremez in the article of the Hayward combination because Watremez teaches using aluminum in friction elements produces a more versatile friction element, including a reduced weight, resulting in a more efficient product.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Keehan whose telephone number is (703) 305-2778. The examiner can normally be reached on Monday-Friday, from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Dawson can be reached on 308-2340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Christopher Keehan *cmk*

March 5, 2003



Robert Dawson  
Supervisory Patent Examiner  
Technology Center 1700